

Message Text

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C O N F I D E N T I A L STATE 301685 TOSEC 320220

NODIS

FOL REPEAT SEOUL 9791 ACTION SECSTATE DEC 11, 1976

QUOTE

C O N F I D E N T I A L SEOUL 9791

NODIS

EO 11652: XGDS-3

TAGS: PFOR, PINA, KS, US

SUBJECT: KIM CASE AND BLUE HOUSEBUGGING

REF: SEOUL 9790

FOLLOWING ARE TEXTS OF AIDE-MEMOIRES HANDED TO AMBASSADOR
DECEMBER 11 BY FOREIGN MINISTER, AS SET FORTH REFTEL:

1. ALLEGED BUGGING:

A. REFERENCE IS MADE TO PREVIOUS CONVERSATIONS
BETWEEN THE FOREIGN MINISTER AND THE UNITED STATES
AMBASSADOR CONCERNING THE REPORTED EAVESDROPPING OF
CHONG WA DAE BY CERTAIN UNITED STATES ORGANIZATIONS

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B. IN THE FACE OF CONTINUING BARRAGE OF DISTORTED AND

MISLEADING REPORTS BY THE UNITED STATES PRESS MEDIA CONCERNING THE SUBJECT MATTER, OFTEN UTILIZING MATERIAL ALLEGEDLY LEAKED OUT BY GOVERNMENT OFFICIALS, THE KOREAN GOVERNMENT HAS REQUESTED THE UNITED STATES GOVERNMENT TO PUBLICLY DISAVOW THE KNOWLEDGE OF SUCH INCIDENTS SO AS TO CLARIFY THE MATTER ONCE AND FOR ALL. IT IS THE STRONG FEELING OF THE KOREAN GOVERNMENT THAT THE DEFAMATORY REPORTS AND VARIOUS SPECULATIVE STORIES WHICH STILL CONTINUE IN THE AMERICAN PRESS ARE LARGELY DUE TO THE FAILURE OF THE UNITED STATES GOVERNMENT TO TAKE POSITIVE ACTIONS THEREON.

C. THE KOREAN GOVERNMENT IS OF THE VIEW THAT, IF SUCH AN UNFORTUNATE SITUATION IS LEFT TO CONTINUE INDEFINITELY, IT WILL INEVITABLY CAUSE INCALCULABLE DAMAGE TO THE BILATERAL RELATIONS BETWEEN THE REPUBLIC OF KOREA AND THE UNITED STATES WHICH HAVE ALWAYS BEEN MARKED BY FRIENDSHIP, UNDERSTANDING AND COOPERATION.

D. THEREFORE, THE KOREAN GOVERNMENT AGAIN REQUESTS THE UNITED STATES GOVERNMENT TO PUBLICLY DENY THE ALLEGED EAVESDROPPING OF CHONG WA DAE IN THE BEST INTEREST OF BOTH COUNTRIES.

2. KIM CASE:

A. WITH REFERENCE TO THE AIDE-MEMOIRE OF THE UNITED STATES DATED 9 DECEMBER 1976, REGARDING COUNSELOR KIM SANG KEUN, THE GOVERNMENT OF THE REPUBLIC OF KOREA SETS FORTH ITS VIEWS AS FOLLOWS:

I. THE KOREAN GOVERNMENT IS UNABLE TO ACCEPT THE UNITED STATES GOVERNMENT'S CONTENTION THAT COUNSELOR KIM IS NOT IN THE CUSTODY OF THE UNITED STATES GOVERNMENT AUTHORITIES AND IS FREE TO LEAVE HIS PRESENT LOCATION, RETURN TO THE KOREAN EMBASSY OR LEAVE THE UNITED STATES, WHILE, IN FACT, HE IS UNDER THE "PROTECTION OF THE UNITED STATES MARSHAL'S SERVICE." IN THE ABSENCE OF SATISFACTORY EXPLANATIONS, IT IS DIFFICULT TO UNDERSTAND AS TO WHAT HE IS BEING PROTECTED FROM. FURTHERMORE, THE
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KOREAN GOVERNMENT ENTERTAINS STRONG DOUBT IF THE UNITED STATES GOVERNMENT AUTHORITIES HAVE ANY RIGHT TO CONFINED MR. KIM UNDER SUCH A PROTECTIVE CUSTODY. IT IS REGRETTABLE THAT THE KOREAN AMBASSADOR IN WASHINGTON, D.C. HAS NOT EVEN BEEN INFORMED OF COUNSELOR KIM'S PRESENT WHEREABOUTS.

II. INASMUCH AS THE UNITED STATES GOVERNMENT ASSURES

THE KOREAN GOVERNMENT NOT TO SUBJECT COUNSELOR KIM TO THE CRIMINAL OR CIVIL JURISDICTION OF THE UNITED STATES IN VIOLATION OF COUNSELOR KIM'S DIPLOMATIC IMMUNITIES UNDER THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS AND APPLICABLE PRINCIPLES OF INTERNATIONAL LAW, THE UNITED STATES GOVERNMENT SHOULD HAVE NO DIFFICULTY IN SETTING COUNSELOR KIM FREE SO THAT HE MAY BE ABLE TO RETURN TO THE EMBASSY. IT IS TO BE RECALLED THAT COUNSELOR KIM ALREADY HAS EVERY ASSURANCE BY THE KOREAN GOVERNMENT OF HIS PERSONAL SAFETY AND WELL-BEING.

III. IF IT WERE TRUE THAT COUNSELOR KIM "CHOSE TO REMAIN IN THE UNITED STATES OF HIS OWN WILL", IT IS ESSENTIAL FOR THE KOREAN AMBASSADOR IN WASHINGTON, D.C. TO ASCERTAIN WITHOUT FURTHER DELAY THE TRUE INTENTION AND MOTIVATIONS OF COUNSELOR KIM BY WAY OF PERSONAL INTERVIEW IN A FREE ATMOSPHERE. THE ALLEGED INTENTION OF COUNSELOR KIM TO REMAIN IN THE UNITED STATES APPARENTLY CONTRADICTS WITH HIS EARLIER TELEPHONE MESSAGE FROM WASHINGTON TO HIS YOUNGER BROTHER IN KOREA ADVISING HIS EXACT ARRIVAL SCHEDULE IN SEOUL ON 27 NOVEMBER 1976. IN FACT, HE AND HIS WIFE HAD ALREADY PACKED WHOLE OF THEIR HOUSEHOLD ARTICLES FOR IMMEDIATE SHIPMENT TO KOREA.

IV. IT IS NOTED FOR THE INFORMATION OF THE UNITED STATES AUTHORITIES THAT UNDER THE EXISTING KOREAN LAW CONCERNED, RESIGNATION OF A GOVERNMENT OFFICIAL CANNOT TAKE EFFECT UNLESS AND UNTIL HIS REQUEST FOR RESIGNATION IS APPROVED BY THE GOVERNMENT. ACCORDINGLY, COUNSELOR KIM STILL REMAINS AS AN OFFICIAL OF THE KOREAN GOVERNMENT AND, THEREFORE, SHOULD NOT BE PLACED UNDER THE CUSTODY OF THE UNITED STATES GOVERNMENT

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AUTHORITIES.

V. IT IS REGRETTABLE THAT THE UNITED STATES GOVERNMENT HAS NOT SO FAR COMPLIED WITH THE REASONABLE AND LEGITIMATE REQUESTS OF THE KOREAN GOVERNMENT TO EITHER SET COUNSELOR KIM FREE FROM THE UNITED STATES CUSTODY OR HAVE HIM MEET WITH THE KOREAN AMBASSADOR IN A FREE ATMOSPHERE. THE KOREAN GOVERNMENT URGENTLY REQUESTS ONCE AGAIN THAT COUNSELOR KIM BE RELEASED WITHOUT DELAY TO RETURN TO THE NORMAL COMMAND OF THE KOREAN AMBASSADOR TO THE UNITED STATES. SNEIDER

UNQUOTE. ROBINSON

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